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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 29683 | 7590 | 10/12/2005 | | EXAMINER |
| HARRINGTON & SMITH, LLP | | | | HANNON, CHRISTIAN A |
| 4 RESEARCH DRIVE | | | ART UNIT | PAPER NUMBER |
| SHELTON, CT 06484-6212 | | | 2685 | |

DATE MAILED: 10/12/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

| | | |
|------------------------------|--|-------------------------|
| Office Action Summary | Application No. | Applicant(s) |
| | 10/607,671 | CHIPCHASE ET AL. |
| | Examiner Christian A. Hannon | Art Unit 2685 |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 27 June 2003.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-16 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 09 October 2003 is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date: _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date: _____ | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) The invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-6, 8-11 & 13-16 are rejected under 35 U.S.C. 102(e) as being clearly anticipated by Ihara et al (US 2004/018915).

Regarding claim 1, Ihara et al teach a mobile telephone, having a plurality of different operating characteristics, the mobile telephone comprising a wireless receiver for receiving a control message from a remote controller (Page 5 [0034] Lines 1-7) and a processor for controlling at least one operating characteristic of the mobile telephone in response to the received control message (Page 5 [0034] Lines 7-12).

In regards to claim 2, Ihara et al teach the mobile telephone as claimed in claim 1, wherein the at least one operating characteristic is an alert characteristic that determines how the mobile telephone alerts a user (Page 4, [0029] Lines 7-11).

Regarding claim 3, Ihara et al teach the mobile telephone as claimed in claim 1, wherein the at least one operating characteristic is an alert characteristic that determines how the mobile telephone alerts a user to an incoming call (Page 4 [0029] Lines 7-11).

In regards to claim 4, Ihara et al teach the mobile telephone as claimed in claim 3, wherein the at least one characteristic mutes the mobile telephone (Page 1 [0005] Lines 18-24; Page 3 [0021] Lines 28-30).

Regarding claim 5, Ihara et al teach the mobile telephone as claimed in claim 1, wherein the processor is operable to use a first one of a plurality of predetermined sets of operating characteristics in the mobile telephone in response to the received control message (Page 3 [0024] Lines 6-9; Page 3 [0026] Lines 28-33).

In regards to claim 6, Ihara et al teach a mobile telephone as claimed in claim 5, wherein the first set of operating characteristics are selectable only in response to a received control message (Page 3 [0021] Lines 21-23).

Regarding claim 8, Ihara et al teach a mobile telephone as claimed in claim 1, wherein the processor is operable to toggle between at least a first operating characteristic of the mobile telephone and a second operating characteristics of the mobile telephone in response to the received control messages from the remote controller (Page 3 [0021] Lines 21-23).

In regards to claim 9, Ihara et al teach a remote controller for use with a mobile telephone as claimed in claim 1 comprising a user input device (Page 3 [0026] Lines 15-17) and a wireless transmitter for transmitting a control message, for controlling the at least one operating characteristic of the mobile telephone, in response to user activation of the user input device (Page 3 [0026] Lines 21-22).

Regarding claim 10, Ihara et al teach the remote controller as claimed in claim 9, further comprising an indicator for indicating the status of the at least one operating characteristic of the mobile telephone (Page 4 [0031] Lines 27-29).

In regards to claim 11, Ihara et al teach a remote controller as claimed in claim 9, wherein a control message is transmitted in response to a single activation of the user input device (Page 4 [0029] Lines 7-9).

Regarding claim 13, Ihara et al teach a remote controller according to claim 9 incorporating a clip, by means of which the controller can be clipped to an ear of a user and to an item of the user's clothing (Page 4 [0032] Lines 13-18).

In regards to claim 14, Ihara et al teach a remote controller for use with a mobile telephone as claimed in claim 4, comprising a user input device (Page 3 [0026] Lines 15-17) and a wireless transmitter for transmitting a control message for muting the mobile telephone in response to user activation of the user input device and an indicator for indicating when the mobile telephone is muted (Page 1 [0005] Lines 18-24; Page 3 [0021] Lines 28-30; Page 4 [0031] Lines 27-29).

Regarding claim 15, Ihara et al teach a remote controller for use with a mobile telephone comprising a user input device (Page 3 [0026] Lines 15-17) and a wireless transmitter for transmitting a control message for controlling at least one operating characteristic of the mobile telephone in response to user activation of the user input device (Page 3 [0026] 21-22).

In regards to claim 16, Ihara et al teach a mobile telephone arrangement comprising a mobile telephone having a plurality of different operating characteristics

and a remote controller wherein the mobile telephone comprises a wireless receiver for receiving a control message from a remote controller (Page 5 [0034] Lines 1-7) and a processor for toggling between at least a first operating characteristic of the mobile telephone and a second operating characteristics of the mobile telephone in response to the received control messages from a remote controller (Page 3 [0021] Lines 21-23) and wherein the remote controller comprises a user input device (Page 3 [0026] Lines 15-17) and a wireless transmitter for transmitting a control message in response to each user activation of the user input device (Page 3 [0026] Lines 21-22).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ihara et al.

In regards to claim 7, Ihara et al teach the mobile telephone as claimed in claim 5, however Ihara et al do not explicitly state that the processor is operable to add an identifier of the first set of operating characteristics to a displayable list of identifiers identifying the plurality of sets of operating characteristics. Ihara et al do disclose that an LCD display exists for human interface interaction (Page 5 [0033] Lines 40-43), therefore it would have been obvious to display what information already existed with in the telephone remote system on the already provided for display

5. Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ihara et al in view of Beyda et al (US 2003/0022690).

In regards to claim 12, Ihara et al teach the mobile telephone as claimed in claim 5 along with the use of "controls" in the plural form indicating more than one user control (Page 3 [0026] Lines 15-17). However Ihara et al does not teach the use of the second control to specifically to answer/end a call. Beyda et al teaches the use of second user input or switch in order to answer a call (Page 1 [0014] Lines 1-6). It would have been obvious to combine Ihara et al to include an answer/end call input on the remote controller, such as that taught by Beyda et al in order to facilitate the use of the invention in order to avoid digging through ones pockets to search for a phone, when they could just achieve this function through a readily available on their person remote. It is further noted that it would be obvious to include a power on/off function in the teachings of Ihara et al and Beyda et al in order to conserve the functional lifetime of the product.

Conclusion

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Laurila (US 2004/0204168) discloses a headset with integrated radio and piconet circuitry.

Zhang et al (US 2004/0058647) disclose an apparatus and method for providing hands-free operation of a device.

Lai et al (US 2003/0003907) disclose a mobile phone monitor and remote control system.

Kita (US 5,960,367) discloses an incoming calling system.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christian A. Hannon whose telephone number is (571) 272-7385. The examiner can normally be reached on Mon. - Fri. 8:00 AM - 4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward Urban can be reached on (571) 272-7899. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Christian A. Hannon
September 30, 2005


QUOCHIEN B. VUONG
PRIMARY EXAMINER